

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA

IN THE MATTER OF THE
SEARCH OF
6 Rosebud Lane,
Missoula, MT 59801 and a
2005 Black Mercedes Benz bearing
Montana License Plate 453615C

Case No. MJ-21- 36 -M-KLD

EXHIBIT D
AFFIDAVIT IN SUPPORT OF APPLICATION
FOR SEARCH WARRANT

I, Thomas S. Hess, being first duly sworn, depose and say:

INTRODUCTION AND AGENT BACKGROUND

1. I am a duly commissioned Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, and have been so employed since September 2013. Previously, I was a Special Agent with the United States Secret Service for approximately five years. I was also a police officer with St. Louis Metropolitan Police Department for approximately three years. I have a Bachelor of Science degree, a Master of Arts degree and have received approximately 80 weeks of advanced law enforcement training at federal and state academies and seminars. I have conducted numerous investigations involving violations of the Gun Control Act, National Firearms Act, violations of the Controlled Substances Act, and various other firearms and controlled substances violations. I have been involved in all aspects of federal firearms and narcotics investigations, including debriefing defendants, witnesses, and informants, conducting surveillance and undercover operations, and executing search warrants.

2. This affidavit is based upon my personal participation in the investigation described below, my training and experience, my review of records, information received from interviews, and information obtained from other law enforcement officers and investigators. Because this Affidavit is for the limited purpose of establishing probable cause to support the issuance of a search warrant, it contains only a summary of the relevant facts. I have not included each and every fact known to me concerning this investigation.

PURPOSE OF AFFIDAVIT AND PREMISES TO BE SEARCHED

I, along with others, are currently conducting an investigation regarding the illegal possession of a stolen firearm and attempting to sell a stolen firearm in violation of 18 U.S.C. §§ 922(i) & 18 U.S.C. §§ 922(j) by Tait William HUMBLE. This Affidavit is made for the limited purpose of establishing probable cause to search HUMBLE's residence, which is located at 6 Rosebud Lane, Missoula, MT 59801 ("Target Residence"), which is further described in Attachment A. It also provides for the search of HUMBLE's vehicle, a 2005 Black Mercedes Benz bearing Montana License Plate 453615C ("Target Vehicle"), which is further described in Attachment B. Items to be seized are further identified in Attachment C.

PROBABLE CAUSE

Since assigned to the Missoula, MT, Satellite Office, Denver Field Division, in August 2018, ATF Special Agent Thomas Hess has investigated a Theft/Loss at Bob Ward's Department Store in Missoula, MT. Investigation has revealed that Tait William HUMBLE, DOB W/M, DOB: 10/27/1977, SSN: 516-78-6919, FBI: 493788AD5 is in possession of stolen firearms and that additional stolen firearms are located at the Target Address and Target Vehicle.

3. On February 25, 2021, ATF Special Agent (SA) Thomas Hess received information about a possible theft/loss at Bob Wards in Missoula, in Missoula County, District of Montana.
4. On February 26, 2021, ATF Industry Operations Investigator (IOI) Susan Stavnes performed an audit at Bob Wards, Missoula, MT. IOI

Stavnes was provided with the following facts from Bob Wards' employees:

- a. According to Jay Colson, Compliance Manager, there was an internal audit of firearms conducted in June 2020 with 100% of firearms accounted for. This audit included open disposition of firearms to serial number.
 - b. On December 28, 2020 another internal audit was conducted. During this audit two empty handgun firearm boxes were discovered in the display cabinet. A theft/loss report was submitted on January 12, 2021, after the licensee exhausted the search for the missing firearms.
 - c. On January 12, 2021, another internal audit was conducted. During this audit, 25 firearms were discovered missing. Again, the licensee exhausted the search for the missing firearms and reported the theft/loss for the 25 missing firearms on February 9, 2021.
5. On March 8, 2021, SA Hess met with Bob Ward's Manager Zack Smith, who showed SA Hess an ad on Craigslist, Craigslist Post ID 7284843749, advertising Vortex binoculars for sale. Zack Smith stated the same seller had an ad for a Benchmade knife that had already sold. Both ads contained photos of the items for sale with the same back drop behind the item. Zack Smith further stated Bob Ward's recently had both items stolen from the Missoula, Montana, store.
6. Continuing on this date, ATF SA Andrew Wasmund, in an undercover capacity, replied to this ad and asked to purchase the binoculars. The seller replied they had already been sold. SA Wasmund replied and asked if he had anything else for sale. The seller responded that he had two rifles and a scope for sale. He also included photos. SA Wasmund asked for additional photos. The seller replied with additional photos that agents were able to identify the markings of a Sako Rifle, serial number M18108. The name "Tait HUMBLE" was also attached at the top of the email. SA Wasmund provided the phone number of SA Hess' undercover phone and asked him to contact him there.

7. Continuing on this date, SA Hess verified this serial number was one of the firearms stolen from Bob Ward's.
8. On March 10, ATF TFO Brandon O'Dell performed an inquiry through the Missoula Police Department and found the only vehicle registered to HUMBLE was a 2005 Black Mercedes Benz, Montana License 453615C. This vehicle was registered to HUMBLE at the address 6 Rosebud Lane, Missoula, MT 5901. HUMBLE also had a phone number on file of 406-540-2631.
9. Continuing on this date, HUMBLE texted SA Hess' ATF undercover phone from phone number 406-540-2631. HUMBLE stated that both the Sako and Xbolt rifles were in great shape. A Browning Xbolt rifle was also stolen from Bob Ward's. He further stated he was off on Friday and could meet at any time.
10. Continuing on this date, Bob Ward's Manager Alan Cain provided SA Hess with an employee schedule. HUMBLE was scheduled to be at work on this date from 1200 to 2000. SA Hess drove through the parking lot at Bob Ward's and found the Mercedes Benz parked in the parking lot consistent with HUMBLE's work schedule.
11. Continuing on this date, Missoula Police Department conducted a check and found this Mercedes Benz parked overnight at 6 Rosebud Lane, Missoula, Montana.
12. HUMBLE agreed to meet with agents on Friday to sell them one or both of the firearms, the Browning Xbolt rifle and the Sako rifle.
13. I know from my training and experiences as an ATF Special Agent, the experience of fellow ATF agents and Task Force Officers, and from my participation in the execution of search warrants authorizing the seizure of firearms, that those who own and possess firearms and ammunition generally maintain them on their person, in their residences and garages, and in their motor vehicles, and in places where they store their personal property. The reason owners of firearms generally maintain and preserve them over a long period of time include the fact that firearms are somewhat expensive, there are, at times, administrative delays in buying them, and firearms do not easily deteriorate. In my experience,

firearms are not depleted through use, nor are they usually exchanged soon after being obtained. Firearms are like expensive tools, which their owners keep and maintain over long periods of time. The reasons owners of firearms generally maintain firearms and ammunition in and about their home or vehicles include the fact that maintenance of them in and about the home or vehicles permits easy access to the firearms, and firearms and ammunition must be maintained in an environment where they will be secure from theft, as well as safe from corrosion.

14. I know through my experience and training that in the immediate area where individuals store their firearms and ammunition, there will be evidence of the individual's exercise of dominion and control over the firearm or ammunition. For example, if a firearm or ammunition were stored in a particular dresser drawer, the drawer would also routinely contain items such as documents, cards, letters, photographs, and physical objects such as articles of clothing, which will identify the specific individual or individuals that exercise dominion and control over the particular area.
15. Based on the foregoing, I have probable cause to believe that on the premises known as the Tait William HUMBLE residence, located at 6 Rosebud Lane, Missoula, Missoula County, Montana, and in the vehicle registered to Tait William HUMBLE, a 2005 Black Mercedes Benz, Montana License Plate 453615C are firearms, ammunition, cellular telephones, computers, records and paperwork reflecting HUMBLE's residency at this Target Residence and Target Vehicle, all located in Missoula, Montana, all in violation of 18 U.S.C. §§ 922(i) & 18 U.S.C. §§ 922(j).



Thomas S. Hess
Special Agent, ATF

Subscribed to and Sworn before me this 12th day of March 2021.



Kathleen L. DeSoto
United States Magistrate Judge